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D. Rejection of Claims Under 35 U.S.C. §112, First Paragraph – Enablement

(1) The Action rejects the claims for lack of a deposit of seed of the claimed corn variety. In response, Applicants note that a deposit of seed of the claimed variety will be made with the ATCC in compliance with the rules upon the issuance of a Notice of Allowance in the case. Removal of the rejection is thus respectfully requested.

(2) The Action rejects claim 26-28. The rejected claims have been canceled herein without prejudice or disclaimer and therefore the rejection is now moot. Applicants reserve the right to prosecute the canceled subject matter in one or more continuing applications.

E. Conclusion

This is submitted to be a complete response to the referenced Office Action. In conclusion, Applicants submit that, in light of the foregoing remarks, the present case is in condition for allowance and such favorable action is respectfully requested.

The Examiner is invited to contact the undersigned at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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